

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN OROSS III,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KUTZTOWN UNIVERSITY, <u>et al.</u> ,	:	
	:	
Defendants.	:	NO. 21-5032

**DEFENDANTS' MOTION TO FILE AN CORRECTED BRIEF  
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

On October 14, 2022, Defendants filed a Motion for Summary Judgment (ECF No. 49). During this time, Defendants' counsel was simultaneously dealing with a serious family medical issue and did not realize that the brief, as filed, due to a clerical error contained irrelevant information from an unrelated case in the Introduction section of the brief. As counsel spent the next several days offline while managing the continuing family medical issue, counsel did not realize that mistake in the filing.

Counsel learned of the mistake on Thursday, October 19, 2022, during a conversation with Magistrate Judge Llorett, who informed counsel of the issue with the brief. After this conversation, counsel checked the filing and observed the mistake. At this time, counsel also observed that Defendants' Statements of Undisputed Material Facts, which was filed contemporaneously with the Defendants' Motion for Summary Judgment, does not appear on the docket. Upon investigation, counsel believes that some issues with the PDF file may have prevented it from being properly filed.

At this time, counsel respectfully requests the Court grant Defendants' motion and allow counsel to file a corrected brief in support of Defendants' Motion for Summary Judgment, as

well as the statement of undisputed material facts. The corrected brief is substantively identical to the brief filed at ECF No. 49, with only the Introduction section changed. Additionally, the substance of the statement of undisputed material facts has not been altered in any way. Only the file type and size has been changed in order to resolve any technical complications.

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**CERTIFICATE OF SERVICE**

I, Kathy A. Le, hereby certify that on October 20, 2022, Defendant's Motion to File a Corrected Brief has been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System ("ECF"). The ECF System's electronic service of the Notice of Electronic Case Filing constitutes service on all parties who have consented to electronic service.

BY: /s/ Kathy A. Le  
KATHY A. LE  
Deputy Attorney General